

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Luke Petrinovic	Team: Squad #13	CCRB Case #: 201700877	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 01/18/2017 3:18 PM, Saturday, 01/21/2017	Location of Incident: In Front of § 87(2)(b)	Precinct: 88	18 Mo. SOL 7/18/2018	EO SOL 7/18/2018	
Date/Time CV Reported Thu, 02/02/2017 1:45 PM	CV Reported At: CCRB	How CV Reported: In-person	Date/Time Received at CCRB Thu, 02/02/2017 4:38 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Jonathan Martinez	10299	953059	088 PCT
2. POM Arnaud Polynice	11414	957047	088 PCT
3. POM Ryan Boccard	23122	952477	088 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Jack Wu	01894	937758	088 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Ryan Boccard	Abuse: On January 18, 2017, § 87(2)(b) PO Ryan Boccard stopped § 87(2)(b)	§ 87(2)(b)
B.POM Jonathan Martinez	Abuse: On January 18, 2017, § 87(2)(b) PO Jonathan Martinez stopped § 87(2)(b)	§ 87(2)(b)
C.POM Jonathan Martinez	Abuse: On January 18, 2017, § 87(2)(b) PO Jonathan Martinez searched the vehicle in which § 87(2)(b) was an occupant.	§ 87(2)(b)
D.POM Jonathan Martinez	Discourtesy: On January 21, 2017, § 87(2)(b) PO Jonathan Martinez spoke discourteously to § 87(2)(b)	§ 87(2)(b)
E.POM Jonathan Martinez	Abuse: On January 21, 2017, § 87(2)(b) PO Jonathan Martinez threatened to arrest § 87(2)(b)	§ 87(2)(b)
F.POM Jonathan Martinez	Force: On January 21, 2017, § 87(2)(b) PO Jonathan Martinez pointed his gun at § 87(2)(b)	§ 87(2)(b)
G.POM Jonathan Martinez	Discourtesy: On January 21, 2017, § 87(2)(b) PO Jonathan Martinez spoke discourteously to § 87(2)(b)	§ 87(2)(b)

Officer(s)	Allegation	Investigator Recommendation
H.POM Jonathan Martinez	Abuse: On January 21, 2017, § 87(2)(b) PO Jonathan Martinez threatened to damage § 87(2)(b)'s property.	
I.POM Jonathan Martinez	Abuse: On January 21, 2017, § 87(2)(b) PO Jonathan Martinez arrested § 87(2)(b)	
J.POM Arnaud Polynice	Abuse: On January 21, 2017, § 87(2)(b) PO Arnaud Polynice arrested § 87(2)(b)	
K.POM Jonathan Martinez	Abuse: On January 21, 2017, § 87(2)(b) PO Jonathan Martinez arrested § 87(2)(b)	
L.POM Arnaud Polynice	Abuse: On January 21, 2017, § 87(2)(b) PO Arnaud Polynice arrested § 87(2)(b)	
M.POM Jonathan Martinez	Abuse: On January 21, 2017, § 87(2)(b) PO Jonathan Martinez seized § 87(2)(b)'s property.	
§ 87(4-b) § 87(2)(g)		

Case Summary

On February 2, 2017, § 87(2)(b) and § 87(2)(b) filed this complaint in person, at the CCRB.

On January 18, 2017, at a time in the afternoon that § 87(2)(b) could not recall, § 87(2)(b) parked his car outside of § 87(2)(b) in Brooklyn. He was there to pick up § 87(2)(b) who lived in the building. While seated in his vehicle, he was approached by PO Jonathan Martinez and PO Ryan Boccia of the 88th Precinct, who were travelling in an unmarked car. They ordered § 87(2)(b) out of the vehicle, without explanation (**Allegations A and B**). PO Martinez allegedly conducted a search of the car (**Allegation C**), but then let § 87(2)(b) go without arresting him or issuing him a summons. The officers did not provide any explanation.

Several days later, on January 21, 2017, at approximately 3:18 p.m., § 87(2)(b) was with his friend, § 87(2)(b) in a convenience store near § 87(2)(b) buying food. He had not seen § 87(2)(b) that day, and had not driven a car. He was approached by PO Martinez and PO Arnaud Polynice, of the 88th Precinct. PO Martinez confronted § 87(2)(b) and allegedly told him, “I can do whatever the fuck I want. I could lock you up right now” (**Allegations D and E**). After that, PO Martinez and PO Polynice left the store and got into an unmarked car. They drove around the corner where § 87(2)(b) who had arrived to pick up § 87(2)(b) was parking outside § 87(2)(b).

The officers approached § 87(2)(b) and ordered him out of the car. § 87(2)(b) refused. PO Martinez allegedly drew his firearm, pointed it at § 87(2)(b) and said, “Get the fuck out of the car or I’m going to break the fucking window” (**Allegations F, G, and H**). § 87(2)(b) continued to refuse to get out of the car, and kept the doors locked. § 87(2)(b) came to the scene on foot, and PO Martinez and PO Polynice placed him under arrest for § 87(2)(b) (**Allegation I and J**). Officers eventually called the Emergency Services Unit to the scene and had an officer force open the door to the car. Once the car was open, officers arrested § 87(2)(b) for § 87(2)(b) (**Allegations K and L**). After the arrests, the officers took the car to the 88th Precinct stationhouse (**Allegation M**).
§ 87(4-b) § 87(2)(g)

Video Footage

- The investigation obtained six short videos taken by § 87(2)(b) on his cell phone during the incident. They range in length between one minute and several, and span the time from § 87(2)(b)'s arrest to the officers removing § 87(2)(b) vehicle from the scene. The only allegations covered in the footage are the arrests of § 87(2)(b) and § 87(2)(b) and the seizure of § 87(2)(b) car. (Board Review 19, 20, 21, 22, 23, 24).
 - In one of the videos (Board Review 25), an officer, identified by the investigation as SGT Jack Wu, of the 88th Precinct, approaches § 87(2)(b) and explains to him why § 87(2)(b) was placed under arrest. § 87(2)(g)



2017-06-27_12-26-30.mp4

Mediation, Civil and Criminal Histories

- Due to the arrests of § 87(2)(b) and § 87(2)(b) this case was not eligible for mediation.
- § 87(2)(b) filed a Notice of Claim about the incident on § 87(2)(b), alleging that he was unlawfully arrested and imprisoned, and seeking an undetermined amount as recompense (Board Review 01).

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]
[REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Civilian and Officer CCRB Histories

- This is the first complaint involving § 87(2)(b) (Board Review 05).
- § 87(2)(b) and § 87(2)(b) have filed one other complaint with the CCRB, § 87(2)(b)
[REDACTED]
[REDACTED]
- PO Boccard has been the subject of twelve other CCRB allegations across seven cases during his four years with the NYPD. Three of them concern stops of people or vehicles but they have yet to be closed. PO Boccard has never been the subject of a substantiated allegation (Board Review 07).
- PO Polynice has been the subject of five other CCRB allegations across four other cases in two years with the NYPD. Three of these allegations concerned stops or searches of people or vehicles, and those investigations have not yet been closed. PO Polynice has never been the subject of a substantiated allegation (Board Review 08).
- PO Martinez has been the subject of fourteen prior CCRB allegations across six cases during his four years with the NYPD. Four of them concerned vehicle stops or searches, and they were either unsubstantiated or unfounded. There are three substantiated allegations against PO Martinez (Board Review 09):
 - In case 201402142, PO Martinez was found to have used discourteous and offensive language, concerning both a civilians race and gender, during an arrest. A command discipline was recommended by the CCRB, and imposed by the NYPD.

Findings and Recommendations

Allegations not pleaded

- § 87(2)(g) [REDACTED]
[REDACTED]

§ 87(2)(g)

- § 87(2)(g)

Allegation A – Abuse of Authority: On January 18, 2017, in front of § 87(2)(b) PO Ryan Boccard stopped § 87(2)(b)

Allegation B – Abuse of Authority: On January 18, 2017, in front of § 87(2)(b) PO Jonathan Martinez stopped § 87(2)(b)

Allegation C – Abuse of Authority: On January 18, 2017, in front of § 87(2)(b) PO Jonathan Martinez searched the vehicle in which § 87(2)(b) was an occupant.

§ 87(2)(b) (Board Review 10) stated that, while he was parking outside § 87(2)(b) on January 18, 2017, PO Martinez and PO Boccard approached him and ordered him out of his vehicle. Once he was outside, PO Martinez searched his car. The officers left after that, without providing any explanation for the stop or the search.

While PO Martinez (Board Review 11) acknowledged that he had a memo book entry documenting that the stop occurred, he had no recollection of the incident and could not recall any of the stop’s details or whether a search occurred. PO Boccard (Board Review 12) acknowledged being partnered with PO Martinez at the time of the incident but he had no recollection of it.

§ 87(2)(g)

Allegation D – Abuse of Authority: On January 21, 2017, in front of § 87(2)(b) PO Jonathan Martinez spoke discourteously to § 87(2)(b)

Allegation E – Abuse of Authority: On January 21, 2017, in front of § 87(2)(b) PO Jonathan Martinez threatened to arrest § 87(2)(b)

§ 87(2)(g)

§ 87(2)(b) (Board Review 13) did not allege that PO Martinez spoke discourteously to him when he initially confronted him on foot. He did allege that PO Martinez threatened to arrest him, but he could not recall specifically what he said. § 87(2)(b) (Board Review 14) alleged that PO Martinez cursed at § 87(2)(b) and said, “I can do whatever the fuck I want,” but denied that PO Martinez threatened to arrest § 87(2)(b)

PO Martinez (Board Review 15) denied using profanity, but stated that he may have told § 87(2)(b) that he could be arrested, noting that he had seen § 87(2)(b) operating a vehicle with a

suspended driver's license. PO Polynice (Board Review 16) could not recall if PO Martinez ever used profanity or threatened to arrest § 87(2)(b)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation F – Force: On January 21, 2017, in front of § 87(2)(b) PO Jonathan Martinez pointed his gun at § 87(2)(b)

Allegation G – Abuse of Authority: On January 21, 2017, in front of § 87(2)(b) PO Jonathan Martinez spoke discourteously to § 87(2)(b)

Allegation H – Abuse of Authority: On January 21, 2017, in front of § 87(2)(b) PO Jonathan Martinez threatened to damage § 87(2)(b)'s property.

It is undisputed that PO Martinez pointed his firearm at § 87(2)(b) § 87(2)(g)

§ 87(2)(b) said that he was approached by PO Martinez and PO Polynice after he parked his vehicle outside § 87(2)(b) and they ordered him to exit the car. He refused to do so, as he did not know why they were ordering him to get out and they would not explain. After asking him several times, PO Martinez drew his firearm, pointed it at § 87(2)(b) and said, “Get the fuck out of the car or I’ll break your fucking window.” No other civilian witnesses were in the area when this occurred.

PO Martinez stated that he approached § 87(2)(b) with the intention of ordering him out of the car so it could be vouchered as part of § 87(2)(b)'s arrest. When he did so, he saw § 87(2)(b) reach below his seat and could no longer see § 87(2)(b)'s hands. Fearing that § 87(2)(b) was reaching for a firearm, he drew his firearm and pointed it at § 87(2)(b). He told § 87(2)(b) not to reach below his seat but did not order him to open the door, threaten to break the window, or direct any profanity at him. Once he could see § 87(2)(b)'s hands again, he holstered his firearm. PO Polynice never saw PO Martinez draw his firearm, threaten to break the window, or use profanity.

Under the provisions of Patrol Guide Procedure 221.01 (Board Review 17), an officers' decision to draw their firearm should be based on an articulable belief that the potential for serious injury is present.

§ 87(2)(g)

§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)

Allegation I – Abuse of Authority: On January 21, 2017, in front of § 87(2)(b) PO Jonathan Martinez arrested § 87(2)(b)
Allegation J – Abuse of Authority: On January 21, 2017, in front of § 87(2)(b) PO Arnaud Polynice arrested § 87(2)(b)
Allegation K – Abuse of Authority: On January 21, 2017, in front of § 87(2)(b) PO Jonathan Martinez arrested § 87(2)(b)
Allegation L – Abuse of Authority: On January 21, 2017, in front of § 87(2)(b) PO Arnaud Polynice arrested § 87(2)(b)
Allegation M – Abuse of Authority: On January 21, 2017, in front of § 87(2)(b) PO Jonathan Martinez seized § 87(2)(b)s property.

It is undisputed that PO Martinez and PO Polynice arrested § 87(2)(b) and § 87(2)(b) and that they seized § 87(2)(b) car. § 87(2)(b) was charged with § 87(2)(b), and § 87(2)(b) was charged with § 87(2)(b).

§ 87(2)(b) denied that he had been driving at any point during the day of the incident, although he acknowledged that his driver's license was suspended at the time. He stated that he had never been in § 87(2)(b) car on the date of the incident. § 87(2)(b) a friend of § 87(2)(b) stated that he had been with § 87(2)(b) approximately 30 minutes prior to the incident, and he had never seen him driving a car on that day. § 87(2)(b) denied that § 87(2)(b) had been in his vehicle that day, and acknowledged that he refused to exit his vehicle when the police ordered him to do so. § 87(2)(b) car is registered to a friend of his, who he identified as § 87(2)(b). § 87(2)(b) used the vehicle with his permission.

Both PO Martinez and PO Polynice stated that they observed § 87(2)(b) operating the vehicle with § 87(2)(b) in the passenger seat, in the vicinity of Grand Avenue and Putnam Avenue, several minutes prior to the incident. § 87(2)(e), § 87(2)(f)

§ 87(2)(b)
§ 87(2)(b)
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§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)

He also knew that § 87(2)(b)s driver's license was suspended, as he had conducted record checks on him the morning of the incident before going on patrol. He and PO Polynice had gone to the location on the day of the incident specifically to find this vehicle.

After initially attempting to stop the car with lights and sirens, PO Martinez explained in his CCRB testimony, § 87(2)(b) and § 87(2)(b) sped up, drove off and were able to get away after making several quick turns. The officers decided not to engage in a pursuit, and did not

report the stop over the radio at this time. They circled back to the area of Downing Street and Putnam Avenue to see if they could find them again, and eventually saw § 87(2)(b) when he was going into a store with § 87(2)(b). After confronting § 87(2)(b), PO Martinez and PO Polynice left him because they were more focused on getting the vehicle. § 87(2)(e), § 87(2)(f), § 87(2)(b)

§ 87(2)(b) When § 87(2)(b) later refused to exit the vehicle, PO Martinez considered it to be obstructing governmental administration because he was trying to take possession of the car as part of a lawful arrest.

§ 87(2)(e)
§ 87(2)(b) PO Polynice himself did not recognize § 87(2)(b) at the time of the attempted car stop. PO Polynice § 87(2)(e) stated that they had observed § 87(2)(b) vehicle in the vicinity of Grand Avenue and Putnam Avenue during routine patrol after it made a traffic infraction that he could not recall. PO Polynice was unaware of there being any reason to suspect that there were narcotics in § 87(2)(b) car, but he believed that he and PO Martinez were required to vouch for the car as part of § 87(2)(b)'s arrest, and could not charge him with § 87(2)(b) without doing so.

Under New York State law (N.Y. Stat. V.A.T. § 511-b [2017]), a vehicle should be vouchered after its driver is arrested for aggravated unlicensed operation of a vehicle provided that there is no authorized user present to take possession of the vehicle (Board Review 18).

§ 87(2)(g)
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§ 87(4-b) § 87(2)(g)
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§ 87(2)(g)
§ 87(2)(g)

§ 87(4-b) § 87(2)(g)

[Redacted text block]

Squad:

Investigator:	_____	_____	_____
	Signature	Print	Date
Squad Leader:	_____	_____	_____
	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
	Title/Signature	Print	Date